

## **REMARKS**

The Examiner has rejected Claims 26, 27 and 38 as being anticipated by 6021598 to Holton. The Examiner states that Holton teaches a colored mulch product consisting essentially of a material comprising a fibercellulose, clay, loam, sand, and/or a combination of same; a binding agent; and a dye and/or pigment. The Examiner states when the user sees the mulch color, the user will know that mulch has been applied to that portion of soil along with a fertilizer/seed, i.e., that portion has been fertilized and seeded which is an environmental condition.

**Applicant has amended the claim to take out the binding agent and to change the environmental condition to moisture content. Since Holton does not teach that the colored mulch indicates water content, then the above claims are not anticipated or obvious over Holton.**

The Examiner has rejected Claims 26-30, 38 and 50 as being obvious over Holton in view of Lombard. The Examiner states that Holton teaches a dye, but is silent on the dye indicates to a user environmental conditions of the soil where the mulch is placed; the dye indicates to a user the acidity of the soil; the dye indicates to a user the moisture content of the soil; or the dye indicates to the user the chemical content of the soil.

The Examiner states that Lombard teaches a dye indicator, pH indicating dye for application to paper. The Examiner states it would be obvious to modify Holton with Lombard since it is merely an engineering design choice involving the selection of a known alternate dye selecting for the advantage of managing pH levels as taught by Lombard.

**Claim 26 requires that the colored mulch indicates to the user the moisture content of the soil. Nowhere does Holton nor Lombard teach this alone or in combination, nor does the Examiner state that this is taught. Therefore, Claim 26 is not obvious over the prior art.**

**For the reasons stated above, Claims 27, 28, 30 and 50 are also not obvious over the prior art.**

**For the reasons stated above, Claim 38 is also not obvious over the prior art.**

The Examiner has rejected Claim 52 as being obvious over Holton in view of Lombard and JP 01262735.

**Applicant has cancelled Claim 52.**

The Examiner has rejected Claim 32 as being obvious over Holton in view of Lombard and further in view of Skelty. The Examiner states Holton is silent on the dye is fluorescent. The Examiner states Skelty teaches it is well known to dye agricultural products with fluorescent dye allowing the mulch to glow in the dark.

**Applicant has amended the claim to state that the mulch glows in the dark. This is not an aesthetic effect as stated by the Examiner but assists a user in identifying the mulch and products placed in the soil with the mulch in the dark. For these reasons and the reasons stated above, Claim 32 is not obvious over the prior art.**

The Examiner has rejected Claim 47 as being obvious over Thomas in view of Lombard. The Examiner states that Thomas teaches the material, binding agent, dye and/or pigment and the lift and tumble agglomeration operation. The Examiner states that applicant is not what

environmental conditions is used. The Examiner states that Thomas on the dye indicates to a user the environmental conditions of the soil. The Examiner states that Lombard teaches a dye indicator having a pH.

**Applicant has amended the claims to state that the color is changed based on the moisture content of the soil. Nowhere does Thomas or Lombard teach this.**

**Therefore, Claim 47 is not obvious over the prior art.**

**Applicant has cancelled Claim 50.**

**Applicant has added new Claims 54 and 55. Since none of the prior art patents teach that the mulch acts as a visual indicator for moisture and that the mulch changes color due to moisture, these claims are allowable over the prior art.**

Applicant believes that the application is in condition for allowance.

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Signature: Debbie Broderick

Name: Debbie Broderick

Respectfully submitted,



Philip M. Weiss

Reg. No. 34,751

Attorney for Applicant

Weiss & Weiss

300 Old Country Rd., Ste. 251

Mineola, NY 11501

516-739-1500